

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4886 of 2019

Arising Out of PS. Case No.-242 Year-2016 Thana- SURSAND District- Sitamarhi

1. MD. CHHOTE KHAN @ AFROJ KHAN @ CHHOTE KHAN Son of Isarajul Khan @ Sirajul Khan Resident of Village- Kumma, P.S.- Sursand, District- Sitamarhi.
2. Aslam Khan Son of Israil Khan Resident of Village-Kumma, P.S.-Sursand, District-Sitamarhi.
3. Sabir Khan @ Sabir Hussain Khan @ Md. Sabir Husain Khan Son of Md. Yusuf Khan Resident of Village-Kumma, P.S.-Sursand, District-Sitamarhi.
4. Md. Masre @ Nasre Uddin Khan Son of Jalal Khan Resident of Village-Kumma, P.S.-Sursand, District-Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Alok, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 25.09.2019 by the learned 1st A.D.J. cum Special Judge (SC/ST Act), Sitamarhi in Sursand P.S. Case No. 242 of 2016 registered under Sections 341, 323, 504, 506 and 379/34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The F.I.R. *prima facie* discloses accusation of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that the allegation is concocted one, not supported by any other evidence.

Learned Special Public Prosecutor submits that other witnesses have also supported the allegation of commission of abuse and assault by the appellants against a member of the scheduled caste.

Considering the material on record, in my view, prayer for anticipatory bail is not maintainable.

Hence, this appeal has got no merit against the refusal of prayer for anticipatory bail. Accordingly, it stands dismissed.

However, in the event of surrender of the appellants, prayer for regular bail shall be considered by the court below without being prejudiced by this order.

(Birendra Kumar, J)

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